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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,812	05/04/2001	Mitchell S. Askenas	ICTVP002	7911
28436	7590	08/11/2005	EXAMINER	
IP CREATORS P. O. BOX 2789 CUPERTINO, CA 95015			LAYE, JADE O	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,812

Applicant(s)

ASKENAS ET AL.

Examiner

Jade O. Laye

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's amendments and arguments with respect to claims 1-23 have been entered and considered, respectively, but are moot in view of the new ground(s) of rejection. In light of the Examiner's newly applied art necessitated by Applicant's narrowing amendments, **THIS ACTION IS MADE FINAL.**

2. Due to Applicant's amended Claims and Specification, the objections applied within the previous non-final action are hereby withdrawn.

Claim Objections

3. Claims 3-5 are objected to because of the following informalities:
- a. The Amended portions of Claims 3-5 are not underlined. In order to speed prosecution, the Examiner asks that Applicant underline all amended portions in the future.
 - b. Claim 5 contains the phrase "[t]he television headend of Claim 4 1...." The numeral "4" should contain a line through it.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6, 10, 14, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by *Kunkel et al.* (US Pat. No. 5,961,603).

As to Claim 1, *Kunkel* discloses a web content server located at the headend which includes a browser, image capture module, and an image compressor. The web pages are delivered via a bi-directional communication link containing a plurality of channels. (Abstract; Col. 1, Ln. 13-22; Col. 1, Ln. 43-Col. 2, Ln. 8; & Col. 2, Ln. 41-Col. 3, Ln. 18; Col. 7, Ln. 4-39; Col. 12, Ln. 63-col. 13, Ln. 28). Accordingly, *Kunkel et al* anticipate each and every limitation of claim 1.

Claims 10 and 17 correspond to Claim 1. Thus, each is analyzed and rejected as previously discussed.

As to Claim 6, *Kunkel* further discusses the use of a multiplexer, which multiplexes images onto digital channels. (Col. 4, Ln. 23-30; Col. 5, Ln. 27-43; Col. 9, Ln. 8-16). Accordingly, *Kunkel et al* anticipate each and every limitation of claim 6.

Claim 14 corresponds to Claim 6. Thus, each is analyzed and rejected as previously discussed.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 3, 5, 7, 8, 11, 12, 15, 16, 18, 19, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kunkel et al* in view of *Bates et al*. (US Pat. No. 5,907,681).

Claim 2 recites the television headend of claim 1, and limitations too numerous to recite herein. (please refer to claim sheet). As discussed above, *Kunkel* anticipates each and every limitation of claim 1, and further discloses the use of channel maps and associated URL information (i.e., set up records), which allow the system to deliver (i.e., generate) the web content. (contained in cited portions used to reject claim 1). But, *Kunkel* fails to disclose the use of a reload interval. However, within the same field of endeavor, *Bates et al* disclose a similar system which teaches the use of a reload interval used to define the corresponding interval for reloading a webpage. (Abstract; Col. 1, Ln. 8-29, & Ln. 54-Col. 2, Ln. 14; Col. 3, Ln. 50-Col. 4, Ln. 15). The reload interval can be specified (i.e., controlled) by the user, provider, or be dependent upon the specified URL update schedule. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Kunkel* and *Bates*, thereby providing a technology that enables automated, flexible, and efficient refreshing of internet webpages.

Claims 11 and 18 correspond to Claim 2. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 3 are encompassed within the limitations of Claims 1 and 2. Thus, it is analyzed and rejected as discussed therein.

Claims 12 and 19 correspond to Claim 3. Thus each is analyzed and rejected as previously discussed.

Claim 5 recites the headend of Claim 1, further comprising limitations too numerous to recite herein. (refer to claim sheet). As discussed above, *Kunkel* anticipates each and every limitation of Claim 1, and therefore must inherently contain a “script” which corresponds to the upload interval. But, *Kunkel* does not specifically discuss the use of a “frame” portion. However, *Bates* discusses a number of well-known web browsers such as Netscape Navigator® and Internet Explorer®, which both contain “frame” browsers. (Col. 1, Ln. 21-29). Accordingly, the combined systems of *Kunkel* and *Bates* disclose all limitations of Claim 5.

Claim 7 recites the headend of Claim 1, further comprising limitations too numerous to recite herein. Claim 7 is a combination of limitations recited in Claims 1 and 2, further adding a limitation to a database and a graphical user interface. In addition to the cited portions used to reject Claims 1 and 2, *Kunkel* further discloses the use of a headend database (Col. 3, Ln. 10), but fails to specifically recite the use of a graphical user interface. However, *Bates* teaches the use of such an interface, which allows the user to update reload interval. (Col. 1, Ln. 22-29). Accordingly, the combined systems of *Kunkel* and *Bates* disclose all limitations of Claim 7.

Claims 15 and 22 correspond to Claim 7. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 8 are encompassed within the limitations of Claim 7. Thus, it is analyzed and rejected as previously discussed.

Claims 16 and 23 correspond to Claim 8. Thus, it is analyzed and rejected as previously discussed.

Claim 21 mirrors the language of Claim 6. Thus, it is analyzed and rejected as discussed therein.

6. Claims 4, 9, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kunkel et al* in view of *Bates et al* as applied to claim 2 above, and further in view of *Seazholtz et al*. (US Pat. No. 5,812,786).

Claim 4 recites the headend of Claim 1, and limitations too numerous to recite herein. (please refer to claim sheet). The limitations of Claim 4 are combinations of limitations recited in Claims 1 and 2, further adding a limitation addressed to a channel bit rate parameter. As discussed above, the combined systems of *Kunkel* and *Bates* disclose all limitations of claims 1 and 2, but fail to disclose the use of a channel bitrate parameter. However, within the same field of endeavor, *Seazholtz et al* disclose a similar system which allows for the control of a variable data transmission rate (i.e., bit rate). (Abstract; Col. 2, Ln. 62-64; Col. 11, Ln. 10-51; Col. 14, Ln. 22-Col. 15, Ln. 11). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Kunkel*, *Bates*, and *Seazholtz* in order to provide a system which supports a variety of transmission rates and services.

Applicant argues that the Seazholtz reference does not teach or suggest the Applicant's "novel" setup records. (Applicant's Response, Pg. 23). Applicant goes on to argue *Seazholtz* discloses subscriber control of ADSL modem line rates, which, in Applicant's opinion, is not a channel bit rate parameter. The Examiner does not agree. At Column 2, Ln. 62-64, *Seazholtz* explicitly states "[a]nother object is to either automatically control bit rate or mode by the CO or selectively control bit rate or mode by the subscriber." Accordingly, the Examiner maintains the application of the *Seazholtz* reference.

Claims 13 and 20 correspond to Claim 4. Thus, each is analyzed and rejected as previously discussed.

Claim 9 recites limitations which are combinations of limitations recited in Claims 4 and 7. Thus, it is analyzed and rejected as discussed therein.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Augenbraun et al* (US Pat. Pub. No. 2002/0026642) disclose a system and method for broadcasting web pages and other information.
- b. *Mao et al* (US Pat. No. 6,886,178) disclose a digital T.V. system with synchronized web content.
- c. *Wang* (US Pat. No. 6,675,385) discloses a HTML EPG.
- d. *Wang et al* (US Pat. No. 6,389,075) disclose an MPEG encoding technique for encoding web pages.

- e. *Reed et al* (US Pat. No. 5,862,325) disclose a system for defining a control structure in a computer based communication system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye
August 5, 2005.



NGOC-YEN VU
PRIMARY EXAMINER